



# Quabbin Regional School District

Grade: F

Massachusetts Department of  
Elementary and Secondary Education  
Coordinated Program Review

Summary of  
AREAS OF SPECIAL EDUCATION  
REGULATORY NONCOMPLIANCE

November 3, 2008

## Coordinated Program Review System

The Massachusetts Department of Elementary and Secondary Education (MDESE) is responsible for monitoring local school district compliance with special education law. They do this through their Coordinated Program Review (CPR) System. Each public school district and charter school in Massachusetts receives a comprehensive Coordinated Program Review every six years.

For the CPR, MDESE selects from the complete set of federal and state special education regulatory requirements those **key compliance criteria that research has shown to be most essential in providing programs of high quality for students with special needs.**

A team of two to eight MDESE staff, together with any necessary outside consultants, conducts the CPR over a two to ten day period. During this time the MDESE team interviews administrative, instructional, and support staff across all grade levels; as well as parents and others who ask to be interviewed. A representative sample of student records is reviewed, and classroom and facility observations are conducted.

Upon completion of the CPR, MDESE issues a report of its findings. Where criteria are not fully met, the local district or charter school must propose a Corrective Action Plan to bring those areas into compliance. School district Corrective Action Plans must be approved by MDESE.

MDESE also sends a monitoring team midway through the six-year cycle to complete an onsite special education Mid-Cycle Review (MCR). Again, the review consists of onsite interviews and observations as well as examination of documentation and records. Thus each public school district and charter school in Massachusetts is monitored once every three years for compliance with special education law.<sup>1</sup>

## Why Noncompliance Matters

Noncompliance can have serious consequences for students, especially when it involves:

1. Student Evaluation - Proper student evaluation is critical because it forms the basis for all educational decisions. Without an accurate assessment of a student's needs, it is impossible to develop an effective plan of instruction and support. The result for the student is failure, while the school district wastes scarce resources on ineffective instruction and services.
2. Progress Reporting - Progress reporting allows parents and schools to keep tabs on a student's growth and, importantly, allows educators to respond quickly when progress is not being made as expected. Without proper progress reporting a student can very easily "fall through the cracks." A student's lack of progress and the district's outlay of funds for services that are ineffective can go undetected for an entire school year, or more.

---

<sup>1</sup> *Coordinated Program Review Procedures, Mid-cycle Review, Information Package, School Year 2006-2007.* Massachusetts Department of Education. [http://www.doe.mass.edu/pqa/review/cpr/midcycle\\_infopk.pdf](http://www.doe.mass.edu/pqa/review/cpr/midcycle_infopk.pdf)

3. Timelines - Before a student can receive needed services s/he must be evaluated; a school team must convene to make decisions about eligibility, educational programming and placement; and those decisions must be put in written form for the parent's signed consent. Regulations require that these activities occur within 45 school (not calendar) days. With intervening weekends, vacation days, holidays, snow days, and professional days, a student can wait as long as two and a half months before receiving badly needed help. Exceeding timelines has an immediate and negative impact on a student's education.
4. Staff Training - It is ultimately school district administrators and instructional staff who ensure that a child's special education rights are protected. For this reason regulations require that school personnel be aware of special education regulatory requirements. If staff do not know what a child is entitled to as a matter of law, critical decisions can too easily be made based on administrative convenience or budget concerns, rather than on the child's needs.
5. IEP Development<sup>2</sup> - Proper development of the IEP is critical because it is the blueprint that all staff follow when working with a student. A student can be properly evaluated in a timely manner and still not receive an appropriate education if the IEP is not developed correctly. Regulations regarding IEP development include ensuring that instruction and services are tailored to the specific needs of the child, and that the student's goals are expressed in measurable terms so that meaningful progress reporting can occur. Services, accommodations, and modifications listed in the IEP must be provided as a matter of law. Conversely, if something does not appear in the IEP, the district is under no obligation to provide it.
6. Program Evaluation - In addition to monitoring the progress of individual students, schools are required to regularly evaluate the overall effectiveness of their special education programming and administration. This evaluation must include consideration of local and statewide assessment results, drop out rates, and graduation rates for special education students. Such an evaluation only makes good sense since the make up of a district's special education population, and its needs, will change over time. Failure to evaluate overall program effectiveness places students at risk of failure, and the district at risk of wasting scarce financial resources.
7. Team Meeting Participants - All decisions regarding a student's special education program are made by an IEP Team which includes individuals who meet to discuss the student in detail. Regulations specify who must participate on the Team. If any of the required personnel are missing from these Team discussions appropriate decisions may not be made, seriously jeopardizing the student's education.

---

<sup>2</sup> The Individualized Educational Program, or IEP, is a written document specific to an individual student that details the content of the student's educational plan, including the services to be provided.

8. Service Locations - Recognizing the harm done by the many years of segregation experienced by students with disabilities prior to enactment of federal special education law, Congress requires that these students be educated alongside their non-disabled peers to the maximum extent appropriate.<sup>3</sup> This is referred to as the Least Restrictive Environment (LRE) mandate. The law also requires that the facilities and classrooms used by students with disabilities be at least equal in all physical respects to the average standards of general education facilities and classrooms. Anything less represents disparate, discriminatory treatment.
9. Behavior/Discipline - Congress realizes that in school, the behavioral manifestations of disability are often inappropriately treated as discipline problems. For that reason, the law specifically requires that schools treat behavioral difficulties as educational issues (if the behavior is a result of the student's disability) by responding with appropriate services and supports. The law prohibits schools from punishing children for disability-related behavior.<sup>4</sup>

## The Price Students Pay

We include in this report the percentage of students in the district whose disability type entails significant cognitive (intellectual) impairment, along with the most recent MCAS results for students with disabilities and the student population as a whole. This gives us one way to assess whether or not students with special needs are learning at a rate commensurate with their ability.

Students with significant cognitive impairments usually represent a small minority of a district's special education population (approximately 5-15 %.) In most districts 85-95% of students with disabilities do not have significant cognitive impairments and are as intellectually capable as their non-disabled peers. The academic achievement of students with disabilities should therefore be substantially similar the student population as a whole. However, there is typically an extremely wide achievement gap between the two groups. SPEDWatch believes the chief cause of this achievement disparity is school district noncompliance with special education law which denies students the services they need to learn at a rate commensurate with their innate ability.

## Important Note

This document summarizes only areas of regulatory noncompliance cited by MDESE. Please use the link provided in the footnotes if you wish to view the district's Coordinated Program Review Report in its entirety.

---

<sup>3</sup> Note that regulations require students to be included in regular education programming to the maximum extent 'appropriate,' not to the maximum extent 'physically possible.' This is an important distinction, intended to safeguard the rights of *all* students to a quality education.

<sup>4</sup> This does not mean school officials are powerless to intervene. The law gives school officials the right to consider any unique circumstances on a case-by-case basis when contemplating the removal of a student with a disability from school. In addition, school authorities have the right to remove a student from school, even over parental objections, if the student possesses a weapon, possess or uses illegal drugs, or has inflicted serious bodily injury.

# Quabbin Regional School District

November 3, 2008

MDESE reviewed Quabbin's compliance with 58 different special education regulatory criteria. The district was found to be in compliance with 23 of these. If we were to grade the district as we typically grade students (percent of questions answered correctly,) Quabbin would earn a score of 40% ... an F.<sup>5</sup>

Of the thirteen disability categories recognized by special education law, only Developmental Delay, Intellectual Impairment, and Multiple Impairment allow for significant cognitive impairment.<sup>6</sup> These are disabilities which *may* put academic proficiency out of reach for students. For the 2006-2007 school year Quabbin reported the following statistics for their special education population:

- 11 % of Quabbin students with disabilities were identified as Developmentally Delayed (ages 3-9 only.)
- 6 % of Quabbin students with disabilities were identified as Intellectually Impaired.
- 2 % of Quabbin students with disabilities were identified as Multiply Impaired.

The vast majority of Quabbin students with special needs do not have significant cognitive impairments. These students are as intellectually capable as their non-disabled peers of reaching academic proficiency given appropriate special education services. Despite this, the academic achievement gap between Quabbin students with disabilities, and the district's student population as a whole (as measured by MCAS) is enormous.

## MCAS Spring 2007

### Percent of Quabbin Students Scoring Proficient or Better <sup>7</sup>

	All <u>Students</u>	Spec Ed <u>Students</u>	Achievement <u>Gap</u>
Grade 3 Reading	60	28	32 points
Grade 3 Math	57	27	30
Grade 4 English	59	0	59
Grade 4 Math	48	7	41
Grade 5 English	61	27	34
Grade 5 Math	47	10	37
Grade 5 Science	59	20	39
Grade 6 English	68	16	52
Grade 6 Math	57	13	44
Grade 7 English	71	14	57
Grade 7 Math	46	3	43
Grade 8 English	82	44	38
Grade 8 Math	46	3	43
Grade 8 Science	36	3	33
Grade 10 English	81	23	58
Grade 10 Math	80	41	39

<sup>5</sup> Massachusetts Department of Education <http://www.doe.mass.edu/pqa/review/cpr/reports/2008/0753.pdf>

<sup>6</sup> See 34 CFR 300.8

<sup>7</sup> MDESE:

<http://profiles.doe.mass.edu/mcas/subgroups2.aspx?linkid=25&orgcode=07530000&fycode=2007&orgtypecode=5&>

## Areas of Noncompliance

*The following text is taken directly from Quabbin Regional School District's CPR Report dated November 3, 2008.*

Assessments are not always selected based on a student's suspected area of disability, or identified disability in the case of a reevaluation.

A licensed psychologist evaluates students; however, assessments are not always conducted in all areas of suspected disability.

Assessment [reports] do not always contain educationally relevant recommendations and/or explicit means of meeting the student's needs.

Evaluations are not always completed in thirty school working days and an IEP is not always provided within forty- five school working days after receipt of the parent's written consent to evaluate the student. Because assessments are not always completed within the timelines mandated by regulation, such assessments are not available to parents at least two days before the IEP Team meeting.

For students whose behavior impedes their learning the IEP Team does not consider the need for a Functional Behavioral Assessment.

Despite referrals from Early Intervention and other agencies, evaluations do not begin when a child turns two years six months to ensure implementation of an IEP for eligible students by the child's third birthday.

At the middle school, when a student is referred for an evaluation to determine eligibility for special education services by an educator, the district does not always send an evaluation consent form to the child's parents within five school days.

The district uses the Department Specific Learning Disability determination forms; however, the IEP Team does not always complete these forms correctly.

Student IEPs refer to accommodations for taking the MCAS; however, specific testing accommodations are not always identified on the IEP.

The district does not always use Transition Planning forms for students 15 years or older. When Transition Plans are used, they do not contain individualized goals that address student specific transitional needs. For example, Transition Planning forms often state, "refer to the transition counselor" rather than indicating the direct transition goals/services to be employed for the student.

Information regarding the transfer of parental rights at the age of majority is not always shared with the student beginning one year before the student's 18<sup>th</sup> birthday.

Not all required members of the Team are present at IEP Team meetings including parents and regular education teachers. The district does not always document the excusal of IEP Team members. The district does not consistently document attempts to ensure parent participation in IEP Team meetings. Alternative methods for ensuring parent participation in Team meetings (i.e., telephone logs, letter, email, etc.) were not always evident in the student record.

Student records indicated that Team meetings are not always scheduled to allow for the provision of a proposed IEP no later than 14 days after the end of the school year.

IEP Team meetings are not always conducted on or before the anniversary date of the IEP. Student records indicated that parents are not always provided with a revised copy of the IEP with the amendments incorporated when parents request a copy of the amended IEP.

Team meetings are not always reconvened within 10 days from the time that the district receives the report from [an] independent educational evaluator.

Evaluations are not always conducted every three years. The district does not always implement re-evaluation procedures in cases where it is suspected that a student is no longer eligible for special education services.

Progress reports are not always sent to parents at least as often as progress reports are sent to parents of non-disabled students. Progress reports do not always address the specific IEP goals.

Screenings are conducted annually for students entering kindergarten; however, interviews indicated that for those students identified during screenings as needing further evaluation to determine possible eligibility for special education services, referral procedures are not always followed.

Parts of the IEP are not always completed correctly including the Present Levels of Educational Performance (PLEP B), MCAS accommodation page and Nonparticipation Justification Statements.

When a student is removed from the regular education classroom, the Team does not document why removal from the least restrictive environment is critical for the student.

When a student is identified as having a social, emotional, or behavioral disability, counseling services, and/or behavioral interventions are not always provided.

Extended School Year services are not considered for students due to a lack of available district programs.

Assistive technology is not considered by IEP Teams for each eligible student in the district.

Parental consent is not always obtained before implementing the services proposed on the student's IEP. Attempts to obtain parental consent on IEPs are not consistently documented by the district.

The PAC meets regularly, has elected officers, and has written bylaws; however, PAC representatives are not involved in the planning, development, or evaluation of the district's special education programs.

The district provides a variety of substantially separate environments and inclusive settings; however, the continuum is lacking for students who require additional individualized support as indicated in their IEP goals, especially in the area of reading and vocational education.

IEP services are not always implemented as stated in the IEP. For example, students who have one- to-one full- time instructional assistants documented on their IEP are not always provided this support full time.

The district does not have any formal monitoring procedures for out-of-district placements.

At the middle school, when eligible students are assigned to instructional groupings outside of the regular education classroom, the group size exceeds twelve students with one teacher and one instructional assistant. In these instances, the district did not provide written notification to the Department and the affected parents of the group members about the increase of students in the instructional group.

The district has procedures for conducting a manifestation determination; however, student records indicated that these procedures are not always implemented.

Some paraprofessionals design instruction and are not always under the direct supervision of a licensed professional educator. Most paraprofessionals are not appropriately trained to assist in providing special education or related services.

At the Oakham Elementary, Hubbardston Elementary and Ruggles Lane Elementary schools, occupational therapy and physical therapy services are provided in the hallway, library, cafeteria, and other public areas.

The district does not regularly evaluate its special education programs and services.

[NOTE: Despite the fact that Quabbin was found to be out of compliance with 60% of the regulatory criteria examined, the Massachusetts Department of Elementary and Secondary Education finds that Quabbin has an Administrator of Special Education who ensures compliance with all federal and state special education laws.]

SPEDWatch, Inc. is a grassroots, non-profit, civil rights movement fighting to secure the educational rights of all Massachusetts schoolchildren with disabilities (ages 3-21.) We are an activist organization. We provide these Coordinated Program Review Summary Reports as a way to familiarize the public with the high rate of noncompliance with special education law in our public schools, and its human consequences.